

**WEST HARTFORD TOWN COUNCIL MEETING
MAY 13, 2014
LEGISLATIVE CHAMBERS**

ITEM #1: MEETING CALLED TO ORDER AT 10:55 P.M.

President Slifka: We will call the council meeting to order and begin with the Pledge of Allegiance.

ITEM #2: PLEDGE OF ALLEGIANCE

President Slifka: Could we have a roll call, please, Ms. Labrot?

ITEM #3: ROLL CALL

Present were Councilors Chris Barnes, Harry Captain, Judy Casperson, Leon Davidoff, Burke Doar, Denise Hall, Clare Kindall, Scott Slifka and Mr. Kavalier as Alternate for Councilor Cantor who was absent.

President Slifka: Thank you. We will go to #4, Mrs. Kindall. Approval of the minutes.

ITEM #4: APPROVAL OF MINUTES

Councilor Kindall: Approval of the minutes for the public hearing of March 11, 2014 on the ordinance permitting heliports, the public hearing of March 11, 2014 on 668-678 Farmington Avenue Walgreens, public hearing of 3/25/214 on the ordinance concerning medical marijuana production facilities, public hearing 3/25/2014 on 1445 New Britain Avenue for Sears, the town council meetings of March 25, 2014 and April 10, 2014, the public hearing of 4/8/2014 and 4/10/2014 on the proposed 20142015 fiscal year budget, the public hearing of April 10, 2014 on the ordinance revising procedures for obtaining driveway permits, and the public hearing of April 10, 2014 on 11 and 13 through 17 South Main Street, I move that we receive.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries.

ITEM #5: PUBLIC FORUM

President Slifka: We're up to public forum. Mr. O'Brien, I'm gonna guess it's blank but just in case.

Mr. O'Brien: It is.

President Slifka: Okay. Anybody who did not sign up who wishes to speak? No. Okay. Mr. Van Winkle, report from the town manager.

ITEM #6: REPORTS OF TOWN MANAGER

Mr. Van Winkle: 11 o'clock? Celebrate West Hartford is June 7th and 8th so we all should remember that and go to celebrate. Trash is delayed one day because of Memorial Day so everybody should remember that. And if you know that rap song, I Like Big Trucks...

President Slifka: Oh, boy.

Mr. Van Winkle: No? If you like big trucks, public works open house, May 17th. You can go down to the public works yard and see the vehicles. Judy, knows this. You can see the vehicles... we use and our processing system. And if you bring a nonperishable food item for our food bank, it would be appreciated. So that's May 17th in the morning – starts early in the morning. Come down. Kids can see the public works. That's all I'm gonna do tonight.

President Slifka: Maybe that's why maybe we should adjourn. That was a highlight, wow. Okay, any questions for Mr. Van Winkle, except what else is on his iPad? Nothing? Okay. Then we will move to #7.

ITEM #7: CONSIDERATION OF CONSENT CALENDAR

Councilor Kindall: I move that we move items 14 and 15 and 22 through 38 onto the consent calendar.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Any discussion on the consent items? Okay. Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. Up to unfinished business, #8.

UNFINISHED BUSINESS

ITEM #8: APPLICATION ON BEHALF OF HARVEST COUNTRY STORE, LLC AND SGL1, LLC, LESSEE AND OWNER, RESPECTIVELY, OF PROPERTY AT 161 OAKWOOD AVENUE, WEST HARTFORD ("PROPERTY") TO ALLOW THE RETAIL SALE OF BEER PURSUANT TO A GROCERY STORE BEER PERMIT UNDER C.G.S. § 30-20(B), NECESSITATING RELIEF FROM § 177-36 OF THE WEST HARTFORD ZONING CODE ("CODE") WHICH REQUIRES A 200 FOOT

SEPARATION FROM THE FRONT DOOR OF THE GROCERY STORE TO A PUBLIC PARK WHERE ONLY 119 FEET IS PROVIDED. THIS APPLICATION SEEKS TO PLACE THE PROPERTY INTO A SPECIAL DEVELOPMENT DISTRICT TO PROVIDE RELIEF FROM CODE § 177-36 AND TO PROVIDE GREATER CONTROL OVER THE USE OF THE PROPERTY.

APPROVED WITH CONDITIONS, VOTE 6-3

Councilor Kindall: Okay, I move that we adopt.

Councilor Captain: Second.

President Slifka: The motion is made and seconded. And for those that might be watching, certainly not those in the audience, they've been here all night. Maybe just to explain what the council was dealing in the public hearing. This deals with the Harvest Country Store which is, as indicated – Ms. Kindall read – is located at 161 Oakwood Avenue. I think just to try to give a quick summary is that they've operated as a country store but they're not allowed to sell beer – to get a permit to sell beer because of their proximity to Kennedy Park. And they have applied to us to change that. We have a town ordinance that says that you cannot sell beer, obtain such a permit, within 200 feet of a park. And so we had about a three-and-a-half-hour public hearing earlier this evening to deal with that. I think three-and-a-half hours. Very thorough. And I will take the prerogative to go first simply because I feel the need to share kind of a human thing about this. This is my 13th year on the council. I have, I don't know, seen how many zoning applications and this is the first one I've ever had where I literally flip-flopped the entire night. Back and forth and back and forth. I came in as – full confession – I came in as a complete no. There was – I did not really see any grounds for approving this before I came in this evening. And I get the sense – I can't – I don't want to speak for anybody – I get the sense that everybody, wherever they have come down to some version of that – at least have struggled with this this evening. And I was very moved by the presentation. It was incredibly compelling. There are points that I disagree with severely. I still could go either way, in a way, but ultimately I'm gonna end up supporting this. And it is – so for consistency's sake and I think that's important, I want to say why. First, anybody that votes no, I could have been there with them. And I will – I know they're struggling, too, and I have no disagreement with where they come down. I've got my purely personal reasons, I think, for where I come down. This – my feeling is this law in general, this ordinance in general, is anachronistic, yet I don't think it's without merit. Getting – I think that – I don't like the idea, just as a general matter, that we are going to break with precedent and have a store that could sell alcohol, although it would be just beer, within that proximity to a park. It's all the other inconsistencies that make me approve – make me be in favor of it. Whether it's approved obviously is another matter. It's the fact that there's another liquor store just down the street. The fact that if we vote no, we end up with a very kind of silly situation where the applicant could simply – as we heard the testimony – remodel slightly to have a door in the back or put up a small fence in front and they are in compliance with the law. And I look at that and say do we want to frustrate this so much that we make them go do that –

and it may be inevitable. Some will disagree and I could see why they might come down that way. But ultimately, I thought there was so much inconsistency with this that given the turnaround that this store has had for the neighborhood in terms of what was there prior, that I would really hate to so end the momentum by just simply standing on principle – that I feel like I'm gonna give them the benefit of the doubt. That said, my support comes with conditions and at the appropriate time, I guess I would move those. I think I'd rather have my colleagues talk first before we get anything like that. But I think it would be premised on the discussion we have about signage – that given the proximity to the park and that it faces directly to the park, that there should be no advertising. And by advertising, I don't just mean signs with promotions but the neon signs and anything else that you could conceive of being there. That would have to be a restriction. I believe, even though there seems to be some disagreement with this, that I am for putting in the restriction that it has to just be craft beer. That if someone wants to challenge that, that's gonna be their business but I am doing this in the spirit of this is a very unique business model. This is somebody who's got – who, from what I've heard in the community, has a very unique product and that's what makes this so compelling. But I want to make sure that the neighborhood is as protected as possible and that my concern is not with the current operator, it's with what could happen down the line. And I would like to avoid, if at all legally possible, this becoming a place where, in ten years, if the owner moves on to something else or even if the owner is so successful he moves down the street to a bigger location cause he's kind of – he's landlocked where he is. That this does not become a place that is selling 24-packs of Bud Light and everything else. That may be something that ultimately a court might decide is not enforceable but I think – I want to take the chance that within our zoning parameters, particularly under an SDD, that that gives us the power to do something like that. I know we talked about the square footage and how much would be devoted to beer. That one I'm not sure about. I'm not sure – I'm open to people's suggestions if that's something they want to talk about. But I don't – I can't, in my own mind, get around what the right number would be and if it's actually a benefit. So long answer, or short answer, I guess – long statement is that I really, really struggle with this one and was not in favor at the beginning of the night. But I credit the applicant and the team. Ms. Pearson gave a very compelling presentation. The owner, his wife, his management team, also, certainly contributed to that. I think there's a lot of community statements that came that I think were great indications of support. That said, I found it equally powerful the statements of the neighbors who were here in opposition about it. But this is such an odd law that probably merits us looking at it, as it had been suggested that we do, to change it. I don't disagree at all with what the TPZ had said that the cleaner action – that's really where I was coming down at the beginning. The TPZ statement that said we don't disagree with any of this. We don't think that beer being in this location is gonna harm the neighborhood, anything like that. But the cleanest vehicle for achieving this change would be to change the ordinance and not to do this through zoning. I was really – that was really where I was at the beginning. But when I heard all the ways that you could get around that, and how you can just frustrate the purpose of it, it seems to me like it might be an exercise in futility to slow a business down by making them go back and do exactly that kind of thing. So as I said, with those proposed conditions, I am prepared to support this application. Anybody else? Mrs. Casperson?

Councilor Casperson: Thank you, Mayor Slifka. I, too, came at this at the beginning of the evening really concerned about what would happen to that lovely store that I visit and get ice cream from and enjoy coffee at. The fact that people can have their children go in and have that accessibility, which is rare in town, it's rare in this day and age. But when you look at the economics of it, I also understand having something unique that brings in the income and the revenue that is needed to maintain a successful business. Also, when I look at just the way that you're going about the application, as well. And notwithstanding, the other things that you do from a community standpoint. I have visited both locations and have seen – both times I was there, there were adults over 21, even at the general store, and knowledgeable people doing a great job. And I appreciate that and you don't see that every day. And so I think that Mayor Slifka summed it up so well. So many of the things that I was feeling and being able to address them in the way that he has stipulated, it's something that I am coming along side for those purposes. I think that being on the cutting edge of finding something unique and different – I think that a part of me wants to feel like we're putting that forethought and that investment into another corner of West Hartford. We've done some things in Elmwood. We've done some things at Bishop's Corner. We could look at that both ways. When I went into this originally feeling like not in my backyard. Well, would I want that in my backyard? I think that I would want growth. I would want a quality product and you do have those things there. And so with that, I would say that I would be supporting this this evening. Thank you.

President Slifka: Mr. Barnes, go ahead.

Councilor Barnes: Mr. and Mrs. Gupta, thank you for your investment in our community. I've been to the Beer Cave. I've had ice cream and coffee and enjoyed the Harvest Store, as well. And I appreciate your vision and your story, your background, and everything you bring to the community. I would prefer to have this issue come up as an amendment to our ordinance and we could debate that and agree on whether it's anachronistic or outdated or not make sense today. But unfortunately, that's not how it's before us. And so based upon the split of community discussion or position on this project, when I look at this application, it comes down to two things for me really. It comes down to rules, the ordinance, the 200-foot setback. And also fairness. The 200-foot setback is there. There are no exceptions to it. It applies and I don't see a way around that. And with respect to the fairness issue, other businesses have had to comply with that very same rule over time and they've been stuck with that. And also the Oakwood Package Store, which is a block to the south, is a business that ultimately, if this is approved, is gonna lose revenue from his beer sales cause they're simply gonna shift up the street to your store. So it's not fair to him or the other stores in the community that have relied upon the way the law is – that we're considering whether to make an exception for. So because of the rule that we have and the fairness issue, I cannot support the application.

President Slifka: Thank you, Mr. Barnes. Anyone else? Mr. Doar?

Councilor Doar: Okay. Thank you, Mr. Mayor. I think the TPZ got this right. It's a very tough night, I think, for all of us. I am also quite conflicted on this. I haven't been here as long as the mayor has but I have to say this is one of the toughest applications that's come before me in my

tenure on the town council. I have a lot of admiration for your innovation, for your courage, for your hard work. I mean, Mrs. Gupta's testimony, if we play it back some night, may be one of the most compelling testimonies from a business person that I've heard in a very long time. So I compliment all of you in terms of the owners, the persons running the business. The issue to me is that I don't have – I have more confidence that your business is gonna succeed without this application. I think you've got a good model. You've been at it for a year. You testified that maybe you've had some negative months. But your model, it was so compelling to me. It can't be the case in West Hartford, or in the State of Connecticut, that small businesses like you with the model you have are only gonna be successful if you sell craft beer. It just can't be. I just don't want to concede that. I believe that if you stay at this, you keep working and building your customer base, you will have a very viable business. And in my judgment, it will be a business that's even better than not having gone to this move to try to introduce beer into the equation. I was reading what you wrote on the Patch which I thought was very interesting. And you had long articles in various magazines about this store and your hopes for a very impressive business. And at one point, the Patch writer wrote, "They, (that's the owners), anticipate busy times in the summer when Kennedy Park is busy with baseball and swim meets, kids using the splash park, and family barbeques. Rolls, disposable plates and utensils, condiments and other picnic needs will be kept fully stocked." That is what the image of a country store was, that Mrs. Gupta articulated. That has to be taken in context to where this store is located. It is directly across the street from Kennedy Park, a park that's used, that has this, as the article pointed out – and I've used that park on many occasions because my sons are in little league and so I'm down there on many nights and have been for the last several years. And there's a whole host of different age groups of kids and parents using that facility. And I think the ordinance, if it is anachronistic, what is the word? Anachronistic? I apologize. Something like that. Then I think that my colleague, Mr. Barnes, has it right. I get tired. I get tired. I've never been very good with names so I appreciate – has it right. Although I'm also conflicted like the mayor is and like Ms. Casperson is. This is a tough, tough call. But I would say also, with respect to the current package store that's there and how it was able to get – I'm not sure that by supporting this SDD tonight we don't just make – well, we have a package store there anyways says Ms. Parsons, and it's kind of diagonal. What's the big deal? Well, it's never been my view that if we've already made one – maybe one we could like to take back – that we shouldn't also continue to exasperate the problem and add to it. I think there's something appealing about our ordinance. I'd like to debate that on some other night. Maybe that will be persuaded to change my mind. But I just don't think – and that's why I agree with the TPZ and the 4:1 vote they had that this is the proper forum for it. I also have to tell you that I was persuaded by Tracy Gove's email. Admittedly, he didn't make a formal opinion but he clearly pointed out that there was something in his mind about site proximity to a public park as opposed to non-site. And he made a distinction about that which, to me, was persuasive and he is our police chief and that carries some probative value for me. I also thought Mr. Captain's point about the Smith School, which wasn't talked about very much. But clearly Smith School is in close proximity and after all, we did have, as the mayor said, quite a different – the community itself seems quite conflicted. We had some powerful testimony in support but we actually had some testimony that was very concerned about it, including Mr. Drew Mitchell's letter and Mr. Mitchell's testimony – and he's still here

in the audience – expressing his concerns about this. And having said, as we all have said, how appreciative we are and how much we admire what you've done on that site. But it's not about you. Please. It's not about what your model is. It's about the property and what we have to think about in the months, years, and decades ahead. And for those reasons, I'm not gonna be supporting this application.

President Slifka: Thank you, Mr. Doar. Mrs. Hall?

Councilor Hall: Normally, one of the things in a zoning hearing I preface my comments with is that I think we have great zoning in West Hartford. It's one of the things that you look around the town and there's uniformity and there's a rhyme and reason to everything. And that makes the town appealing. But I also think that there's something about the way this regulation is written that just – there's a lot of inconsistencies. So then I went back and said we need to address the zoning problem and not do it on a case by case. But then I said but if we do it in this case and make it the SDD, then that kind of gives us a microcosm of what we could be looking at the future as to how we could create any changes to our zoning ordinances in the future. I also think we took a big leap years ago when we allowed outdoor dining in the first place. And that created a huge change to the center and I do think that was Mayor Bouvier who was behind that at the time. I like to throw that out every now and then because that was a big change and it really, really was a benefit to the town. And I look at this model and say this is something unique and maybe you don't do a great big, huge outdoor dining in this neck of the woods but you do something that has a real community feel to it. I was concerned with the park but then I also think if someone is breaking the law in the park by consuming alcohol, then that's the behavior that we should address. Not necessarily did they buy it at this store or that store or that store. And even if that person was so subject to impulse buying that the mere sign is what led them to their actions, then I think if we restrict the signage, maybe we can do that. So I think we need to be pro-business in this. I think we can put some restrictions around it and give the council time to review the zoning in the future and maybe take this as an example. So based upon some restrictions that we come up with, I could conceive supporting this.

President Slifka: Thank you, Mrs. Hall. Mr. Captain?

Councilor Captain: Thank you, Mr. Mayor. I totally agree with Mrs. Hall in regards to the zoning in town. The high quality of the zoning and the process and TP&Z and the zoning board of appeals and case in point tonight, it is coming back and has to have a supermajority vote to overrule the earlier decision. Everything about the process is incredibly important. The packages that we get that are part of your presentation, we get those in advance and I not gonna say that we come to – or that I come to these meetings totally undecided. When you see that package you go through the package and you go through it really well and you set up your questions and what you're thinking about, you pretty much have a conclusion or an idea of which way you're gonna go. And when I came to the table tonight, I didn't like the idea of somebody selling beer across from a park. And I didn't see a whole lot that convinced me of that. But the presentations this evening and looking at it as a total package, sheds, like my

colleagues are saying, a totally different light on the subject. The fact – what really got me tonight were people who came out and said the positive change that this business has done for that neighborhood. And it's really huge. And that's very important. And I want that to stay. I want that to be successful. On the other hand, I don't want – I could support this but there's gonna be serious restrictions on it. Probably the ones that Chief Gove had mentioned I might be suggesting later. The applicant paying for additional signage in the park, reinforcing that no alcohol is to be allowed in the park. But not just no exterior signs. I don't want to see from the street anything through the windows that indicates a full-sized cutout of Sam Adams or whatever. I don't want to see anything referring to beer visible from the street, through the windows. No lighting, no neon, no advertising, no cutouts so that visible piece of a package store isn't within sight of the park. And a couple of things that Mr. Barnes said in his presentation, I – just sitting here, took to move me in the other direction about the competition with the current package store that is living within the ordinances. And yet at the same time, I try to weigh that with the decision we made on the other SDD with maximum beverage and the competition from Harvey's. And Mr. Doar, you had to remind me that I said well, what about Smith School? And so what pushes it over the edge for me is the positive impact that this business has had on that street and that neighborhood. And with some restrictions as I previously outlined, and the mayor had outlined, I may be able to support this. Thank you.

President Slifka: Thank you, Mr. Captain. Anyone else? Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. I come to this application a little different than most of you. I served on the TPZ for a good number of years and three years as chairperson. And when I see a vote from the TPZ that says it's 1 to 4 against something, it makes me stop and ask if I was seated on the TPZ, what would I have done. And I probably would have come to the same conclusion that they did. And the argument that they have that's most compelling is the SDD isn't really the proper way to rectify the issue at hand. The proper way to rectify the issue at hand is by amending the ordinance. Now, the record shows that the ordinance has been in place since 1947. So for 67 years in the Town of West Hartford, this is the way we decided how we're going to permit activities such as these. And it comes up occasionally, but not that often, that we're forced to do something. And it's always interesting that when a zoning application goes several hours, it means that there's usually not a lot of consensus that it's gonna be 9:0 vote here. My colleagues take a lot of time to reflect upon the application and to give it a fair hearing and to listen to all sides. So I've done that and I've listened to all that. And as a small business owner myself, I understand the real economic climate that we're in. And it's tough out there. It's real tough. And it's tough to make ends meet every single day. And as a retailer who's currently transforming his own business, I think that in this particular circumstance, I think that this retailer is doing the same thing. He's transforming his and her business to stay open, to stay afloat. And I see what the mayor said which was we can vote no and deny this application but there's nothing to preclude the applicant from finding other legitimate ways around our ordinance. And I would concur that the ordinance that we have is old style, old school, archaic. So I'm sort of caught in a quandary as to what I would do because if I was on the TPZ, I'm an absolutist, strict construction, this doesn't go down. But I'm sitting here now on the town

council and the other thing that we do, other than approve a budget, is we're the final zoning authority of the Town of West Hartford. And we have the authority, that's granted under the charter, to make zoning decisions when we want and how we want. So tonight, we do have the option, as the final zoning authority, to approve this if we want to go the way of saying this will be an SDD. This is how we'll get around the rule that none of put in place since 1947. I wasn't even born then. And get to the result that I think a lot of us would like to get to. And I'm sort of bothered by some other things and that's why it's a quandary. When you purchase a piece of property, I think you know or you should try to know or try to ascertain what are the restrictions on the use of the property. What can you do with that piece of property and what can't you do? And I think I've said on other zoning applications that there is an expectation from those who reside in the neighborhood as well as those who are gonna operate the business as to what can legally be done under the current regulations as they currently exist. So when the property was purchased, it should have been clear to the applicant that the sale of beer or any other alcoholic beverages was not a permitted use in the Town of West Hartford. And I think a lot of people acknowledge that there are many sites where it would be a permitted use and we wouldn't even have been here for all these hours. So this is why I sort of have this quandary back and forth because I know that I have the authority with the majority of you to overturn the zoning application. But when you get to the SDD, once granted, it runs with the land. And yes, it may be a compelling application this evening, and yes the applicants are fine, civic, business-minded individuals. But we have no control over what happens next. But what can happen next is you can have a grocery/beer permit here because that runs with the property. Not with the application cause they'd have to submit another application and the new owners would have to qualify under state law. So if I had my druthers, I would probably say the best way to handle this is to amend the ordinance. And let the community come out and let's have it not based on a particular application, the discussion. Let's have the discussion based on whether or not this regulation that we have is archaic. And that's my quandary. That's what I'm struggling with this evening. I've listened to all the testimony. I've read every word that's here. I listened to what Mr. Alair mentioned with respect to spot zoning. So I'm conflicted as many of you are. And it's just something about my background and as a member of the TPZ that would just tell me this sets bad precedent, bad policy making, to decide a zoning application by moving 'em into SDDs. And I wouldn't want to other applications for other parcels or other issues be done the same way. I don't think that's why we have an SDD. And that really, really bothers me is I think someone here raised the issue of financial hardship. And the first step was to go to the ZBA to see if you had some type of legal hardship but that's defined differently under the zoning board of appeals methods. Even the title, I think, of this resolution to provide relief from code section 177-36 and that's what they're asking us to do – provide relief from something that exists. I don't know. I just don't feel comfortable with it. It's not ever been my nature. And this evening, yes, there were a lot of compelling arguments made by the business owners and they're council and it's duly noted. But I really struggle with whether or not providing relief of – that they've requested through the SDD, is really the proper way to do it. So unless I hear otherwise, I will probably decide with those in opposition of the application.

President Slifka: Okay. Thank you, Mr. Davidoff. Mrs. Kindall?

Councilor Kindall: I walked in here as a solid no. And the fact that I am no longer a solid no is a testament the really very excellent presentation and the very compelling story presented by the applicant. And I walked in as a solid no because I figured the last thing this neighborhood needed was another package store. And the fact that you had 171 signatures and I took a look at the signatures that were submitted and they're from the neighborhood. I mean that was against it and saying listen, this is a great store. And I've been to the store and I think the store is a fabulous store. And as a personal matter, the "if I don't get this, I'm gonna take my marbles and go home", doesn't help. That said, the fact that you can, through zoning, do a workaround, and just by changing your doorway, do a workaround, and the fact that I understand the attractiveness of having some craft beer there as a way to bring in more business. I'm having a hard time mixing the beer and the ice cream. Sort of the image of it with ice cream as part of the logo and then serving the beer. And I realize you're not serving the beer, you're selling the beer. And the front door is directly across from the park. I mean, the park – it's right there. And so like many of my colleagues, I'm really struggling as to which way to go. As the saying – there's an awful lot to be said about rewarding people who invest in a higher-risk neighborhood and really have tried something really unique and have developed something that's really lovely to have there. And to encourage that and to foster that. And then part of me says yes, but the last thing this neighborhood is another package store. So like many of my colleagues, I am very conflicted. And I'm not sure where I'm coming out on it. I'm really not. I think it'd be helpful to know what kind of conditions. I think that the 171 signatures from neighbors needs to at least be heard. And I think it has been heard by everybody here. I don't think anybody's taking that lightly. And I think that I agree with the mayor that this is an extraordinarily difficult application as to which way to come down. And it would have been easier if somebody earlier had sort of made the decision clear [chuckle] and had gone one way or the other. So I just – I wish I could say where I come out yet. I don't know. I think if the vote was right this second, I would vote no. But I don't know. I guess I would like to hear whatever conditions people would want to put on it. I realize that doesn't make life easier for anybody.

President Slifka: Mr. Kavalier, you're not compelled to talk but you're the only one left.

Mr. Kavalier: Thank you, Mr. Mayor. Like all of you on the council, it's a very close call. And I think like most, if not all, of you, I went back and forth and back and forth quite a few times because the testimony was compelling from everyone on both sides. And I agreed with much of what was said on both sides. But as Mr. Barnes said, it came down to fairness. And I think in my own mind, it came down to fairness. But I think I landed on the other side of that fairness question. Because for me, I think it came down to fairness both of the neighborhood and the residents of our community as well as the businesses of our community who are invested in it. And I think given the peculiar or unusual convergence of circumstance in this instance with what's happening in the neighborhood and the businesses in the neighborhood and the ways in which one could get around this if one wanted to, as was suggested by members of the council based on the testimony. It doesn't seem to me as if penalizing a business owner because of the process we have is fair. And I think it is absolutely critical, as was mentioned, that there be appropriate restrictions. I would agree that without those, there would be no way that I would be

supportive. But I think with appropriate restrictions and with the concerns of the residents on both sides absolutely in mind, which has been reflected in all the comments here, I think fairness dictates that one would be supportive and that's where I come out on that question. Thank you.

President Slifka: Thank you, Mr. Kavalier. Well, so – Mr. Doar, go ahead.

Councilor Doar: I want to just maybe – some of you who are leaning to favoring it had raised an issue about – this issue of it's possible to just simply get around this because of the analysis of the 200 feet. And we know, Pat, that in prior applications – and you testified about this tonight – the three different – I don't know if they're all lawyers – but three different people who have some expertise in this matter couldn't really determine that footage issue when it came to the Eden's Landing application. The reason I bring it up now is because I hear from some of my colleagues that may be favoring this that what of the things that's driving them is well, if they can close off the front door and open up a back door, somehow that gives them the 200 feet distance requirement necessary. But I'm not sure that that is right. In other words, we've heard it but I would like to hear from you, Pat, about that and make sure I understand that. Because that's crucial I think from those – I still may not oppose the application but for those that seem to be leaning in favor of it because of that issue, I want to make sure we get that right because – and I would say that it's very possible that if it were approved tonight – or no. If it weren't approved and the applicant went ahead and did that, they might have a challenge from somebody who would have the right to challenge that. So could you just take – I know it's 11:41 but I think it's important that you help me with that analysis – at least for the good of the council.

Mr. Alair: I'm not sure how much help I'm going to be. I have not been at any meetings. I haven't sat down with this applicant and gone through any specific measurements to say if you did the following things, you've got the 200 feet. They may be able to do that. I know that in other cases, the Park Road store being an example, where you literally had a site where the applicant had the existing front door. It didn't work. Close that, put the door on the back, it did. So there are certainly cases where that happens.

Councilor Doar: Can you stop for a minute?

Mr. Alair: Yes.

Councilor Doar: Are you referring to the liquor store on Park Road across from...

Mr. Alair: That used to be Bazilians.

Councilor Doar: But there is a front door on that.

Mr. Alair: It's closed. It's locked. You have to go around back.

Councilor Doar: Okay.

Mr. Alair: And that is exactly why it was done. In the case when what is now Dotcom Wines opened up, you're absolutely right. There was a challenge. Harvey's, ... the zoning enforcement officer concluded that the 1,500 foot in that case, it was package store to package store. The 1,500-foot separation requirement was met. We did it based on our interpretation of the ordinance. We had our town engineer draw it up. The town zoning enforcement officer looked at it, said we think you meet it. We're all set. The applicant's attorney agreed with us. They actually thought that we were cheating 'em a little bit. Harvey's attorney disagreed with our interpretation, appealed it to the ZBA, and then appealed to court. And at court and at the ZBA, our interpretation of the ordinance in that case prevailed. So is it subject to challenge? Yes. Can I tell you that in this case, they can make the 200 feet? No, because I haven't gone through that analysis in enough detail to give you an opinion. I think it's possible and I think that you end up in a situation where you create a maze on the site because the ordinance says without crossing a structure. And our ordinance also defines a structure as essentially anything placed on the ground. So a fence, a wall – I don't think we've ever interpreted it to include landscaping but anything hardscaped, if you will, would create a path that you'd have to go around. And that would be enough for them certainly to – if we turned them down, for the applicant to appeal to the ZBA and then to court. And a judge might say that's what the ordinance says. You're stuck with it. So...

Councilor Doar: For my colleagues' benefit, I'm looking at 1.11 and what the issue is here – we're at 119.1 feet. They are – I think the testimony is they're 81 feet short. And I don't see that the building itself, the width of the building, is more than 81 feet. So I still can't – even I tried to follow you, I can't follow it. I just can't follow it when I look at the drawing in terms of how they get to 200 feet if they use the back door. It would still be a challenge is what I'm – maybe it's not relevant to all of you but I brought it up just because we talked about it.

Mr. Alair: I definitely don't want to be taking off my town attorney's hat and putting on my applicant's architect or engineer hat at this late hour. I'm looking at the – I'm trying to see the depth of the lot. The lot is 135 feet deep. The front of the building – eyeball – is about halfway back. So you've got 67-1/2 feet from the front of the building to the back of the building – ballpark. So if you do that and then you run – and you make it a one-way path, along say the north side of the building, run it down the backside of the building and then to a door on the south side, you could make it. There are probably ways to do it. Is it what is – the zoning equivalent of gerrymandering? Absolutely. But there is probably a way to do it.

President Slifka: Go ahead, Chris.

Councilor Barnes: Thank you, Mr. Mayor. The 7-Eleven that was previously in this space did not have the right to sell beer. They did not have that cause they were within the 200-foot setback. Mr. Gupta purchased the parcel subject to the setback requirement. If he wanted to open a package store at that location, he wouldn't be allowed to because of the 1,500-foot separation requirement. So it's a prohibited use on this parcel. And so looking forward, what are we telling future prospective business owners? We're saying take a risk, buy the parcel, start

your business, apply for an SDD, and we'll help you out. We'll change the rules for you. That's not following the rules. The rules are there and we've been applying 'em, as Mr. Davidoff said, for 60-plus years. There was a reason why we had 'em. There's a reason why we still have them. And if we want to – and those rules protect not only the local residents in that community – and I know that there's split opinion on that. There are a lot of people that are in favor of it. But it's there to protect those people. The 170-plus people that oppose this application. And for the business owners in that community that have relied on it. And so in my opinion, fairness sides on rules and the reliance that people in the community have placed on those rules. And here, as Mr. Gupta said, and Ms. Pearson echoed, he took a risk in purchasing this parcel, likely at a discount because of the limitations associated with it, and now we're confronted with an SDD. I would prefer, as I said, or the only way I could support it is if we had a public hearing about this particular ordinance and had the public come in and take a position one way or the other, and we could debate what the value of this ordinance is. And part of that debate would involve drawing site lines and putting up fences and back doors. We would say you know what? Does this make sense anymore to make business owners jump through those hoops to accomplish the goal of doing whatever business they want to engage in? And that is a fair and open debate. And if we decided that the ordinance didn't serve a purpose anymore, then we would amend it, take out that limitation, or strike it altogether. And then we wouldn't have to play games with SDDs and pick winners and losers in who gets to do what type of business in what part of town. And so again, based upon the rule, the ordinance that we have, and the fairness and the reliance that people have placed in it, that's how I come out. I just don't see supporting this. In a couple months, if we had a hearing to amend or change this rule, we have a hearing and we have a vote and we're a couple months down the road. Doing it this way is a problem for me. Thank you.

President Slifka: Mrs. Casperson?

Councilor Casperson: I know, it's getting very late. And I just – I want to know that – understanding what Mr. Davidoff was saying and what I understood regarding the zoning. And maybe understanding that the rule is out of date. We find ourselves this evening with the SDD request. And when I'm looking at that and seeing – would many of us have voted differently or I agree with Mr. Barnes in that yes, we do need to revisit that. But understanding what the rules can be, what they are today, and looking at how someone might be able to get around that, part of the appeal of an SDD for me is saying you cannot have visible signs. You cannot have – we would really like for you to have this sort of locked coolers. We are able to have some modicum of control and have some say in how we would like this to move forward. If we go back and say we abolish that ordinance and you no longer have to come to us for this zoning, then we lose all of that. And you could have neon signs glowing at you from across the street and have that be completely within the rules. And so it is not without deep thought and deep concern for all the aspects of the things that have come before us this evening that we are all weighing those things and really looking at what of this can we, for the good of the order, for the good of the neighborhood, and understanding where the business owner is, as well, if we're gonna come back in two months and say sure, let's go this way and then this is all mute. When you're

looking at small business owners, what is the expense of that? What is the economics of that? When I'm looking at extending lines of credit for all of our business owners, it's a huge impact. And I look at it from all of those sides and not just from – yes, they can take out – put a little more investment in and put a sidewalk around the building and didn't have to even come to us to have that discussion. But at the same time, really wanting to look at the businesses that do come before us and say, in all transparency, this is what I'd like to do. I want to be a part of this community. I want to uphold the integrity of what we're trying to do in West Hartford as a part of West Hartford. Those are the things that I'm weighing, as well. So I just wanted to make that known. Thank you.

President Slifka: So we can talk as long, obviously, as everybody can stay awake but I'm going to make a suggestion that we have – we move on to the suggested conditions of approval. I mean frankly – we've now been around a couple times. Everybody who stated a position is exactly where they were and maybe even more strenuously so. Mrs. Kindall is the outlier and the reason why that is important is because of the supermajority requirement. So absent anything from Mrs. Kindall, I guess we'll move to entertain conditions of approval. Mr. Alair, I know you've got the standard ones and then you are – I know you've been scribbling notes down about others that some have suggested. So we'll turn it to you at this point. Oh, and he said one second.

Mr. Alair: With everything going on, I have failed to provide you with standard conditions of approval. So with the applicant's vigorous nodding, cause I haven't shared them with the applicant in advance, I would assume that any motion to approve would incorporate the conditions of approval that you've incorporated.

President Slifka: I would operate under that assumption but I'm only one person.

Mr. Alair: Okay. Alright. And I took note of two other conditions for certain and then I started writing and I maybe lost track of the conversation. And the first was no advertising of beer visible from and I think I heard three different formulas: No exterior advertising then none visible from outside and then none visible from the street. I think what I tended to hear was consensus about you don't want people in the park or on the street to see the signage. So that we'd be talking about a condition saying no advertising of beer visible from the street. And the reason that's different is I don't want somebody standing on the front walk in front of the store and say I can see that sign in the back of the store. That's the concern I have. So I would...

President Slifka: I sense that that's correct but if somebody says something different...

Councilor Captain: From the street, I don't want to see a sign at the cooler in the rear of the store.

Mr. Alair: Got it.

Councilor Captain: Nothing.

Mr. Alair: Got it. Craft beer only. I heard the mayor say that and that's when I hopped on my iPhone and started looking up the definition. The American Brewers Association does have a definition. The definition is problematic and the reason it's problematic is that it has three components. One is annual volume of six million barrels. Two is less than 25% of the craft brewery is owned or controlled by a beverage alcohol industry member that is not itself a craft brewer. And three is traditional and then it involves the method of brewing. The concern I have is that this only applies technically to American craft brewers. So if they imported beers from other countries, it would be problematic. I would suggest that – and by the way, the volume level changes every now and then. It's gone from three million to six million barrels. I would suggest that you incorporate the definition of the volume level that qualifies as a craft brewer but not the other components. And that would allow them any brewer, anywhere in the world that meets that six million barrels or fewer per year would qualify as a craft brewer. And that if the craft brewer definition went up to seven million barrels, that would work, as well. That – I'm struggling with a definition and rather than put a fixed number in there – the alternative that I came up with was that it would be a beer approved by the corporation counsel's office after extensive tasting. But it's not quite late enough to slip that one past you.

President Slifka: Okay. Was there a third – Mr. Kavalier?

Mr. Kavalier: I just wanted to – if I could ask a question of Mr. Alair, Mr. Mayor. Could we – just as easily as limiting it to one of those three, extending it internationally consistent with the American utilization...

Mr. Alair: That's what I was intending is you're gonna use that six-million-barrel figure to qualify any beer around the world.

Mr. O'Brien: and the other two as well.

Mr. Kavalier: But could it extend to the other two, as Mr. O'Brien has just said – could it extend to the other two, as well, but internationally, reflecting the American organization's standards?

Mr. Alair: The only problem is I'm not sure how we enforce that. If I go into the store doing an enforcement check on a Saturday afternoon and I see a beer on the shelf, how am I gonna know that this is a beer company only 25% of which is owned by another beer company that is a member of this association that it can't be unless they're an American company. That's dilemma. The volume one is relatively easy. I think you can probably go to any commercial brewery website and look on there and say how many million barrels or million gallons do you produce in a year. And do you meet that six-million threshold. It's still gonna be a tough enforcement problem and I can tell you that our zoning enforcement officer, who I believe does enjoy a good beer, is probably not going to be able to identify all of them by sight and go yeah,

this one qualifies. I think you'd know that Corona and Heineken and Becks probably don't but...

Mr. Kavalier: Let me – if I could ask just one additional question on that. Is there an opportunity, if those industry standards change, for the council to revisit this restriction in light of industry changes related to the standard that we adopt?

Mr. Alair: Yes. The way to do that would be to say the current – instead of using their standard, just say limit it to six million barrels per year. Barrels? Gallons.

Mr. O'Brien: Barrels.

Mr. Alair: Barrels. Six million barrels per year and leave that so that if they change their standard, we don't change ours with them and the applicant would have to come back to meet that standard. I think as a practical matter, the way this plays out is somebody like Sam Adams or Dogfish Head, they up their production and then they go to the association and say well, up your number to match it. So what ends up happening is somebody like a Dogfish Head – great beer – ends up being – defined as a craft beer under their definitions but not under ours. And we'd have to keep track of that somehow.

Mr. Kavalier: And under those circumstances, the applicant would come back to the council?

Mr. Alair: Yes.

Mr. Kavalier: And what parameters would the council have to make other changes to the SDD at that time?

Mr. Alair: Typically anything that is within the four corners of the application is fair game.

Mr. Kavalier: Okay. Thank you, Mr. Mayor.

President Slifka: Mr. Barnes?

Councilor Barnes: Thank you. While I find this conversation interesting, I don't really think it matters. From what we've heard, the amount of space isn't gonna be huge. And whether it's a Chimay or something else that's in the case, I don't see Mr. Gupta putting Bud Light next to it in the counter. So I would leave it – if we're gonna do it, then I don't think we need a restriction around it with respect to craft beer cause I don't think we can enforce it. I don't think we can define it and I'm not sure the goal we're hoping to achieve – I think just from his business model, he's gonna have rare beers from the beer cave that he's gonna match with high-end artisanal foods. And that's the model so it's not have a Bud Light and some really fancy farm-to-table food. I don't think it's an issue. We can talk about it all night but I don't think we're gonna put any protection in place through defining craft beer.

President Slifka: My concern is not Mr. Gupta, it's his successor. That's the reason for raising it is I don't – I – if this were not running past him, I wouldn't even bring this up. But it's that if he – my sense is if we don't put some restriction on it, we now open it up to the next guy could be the opposite and say let's just put case after case of Bud Light out there and see what we get. So I appreciate the difficulty, obviously, and maybe this is a novel area that we're going down but I thought it was worth exploring. Mrs. Hall?

Councilor Hall: I was wondering whether maybe we could get to the same result of what you're worried about, which is the future, if we came up with a restriction on the floor space allowed for beer. Cause really, do we care what kind of beer somebody drinks? It's the fact that there's alcohol there but we really want it to be a store that's also sort of selling beer.

President Slifka: Fair point. Mrs. Kindall?

Councilor Kindall: I believe the applicant, though, was already agreeable to a 25% floor space limitation and that strikes me as a much easier thing to convey to the next owner and a much easier thing to enforce. Though I appreciate the purpose of the craft beer restriction, I have to agree with Mr. Barnes. I don't think it's enforceable or wise. I think that there's got to be a better way to get there.

President Slifka: Mr. Alair, I think there was another one we didn't capture with the – Mr. Captain, did you want to say...

Councilor Captain: It was Chief Gove's recommendation that the applicant pay for additional signage at the park, reinforcing that alcohol is not allowed.

Mr. Alair: So an additional sign at the Oakwood entrance to the park or do you want it scattered through the park? As determined by the town planner?

President Slifka: Maybe the manager could weigh in. What do you think?

Mr. Van Winkle: I hate to design our sign system here tonight to tell you the truth – whether it's at the entrance or it's after you park your car and you walk by a walk heading into the park. It's probably sufficient to have one sign. We haven't been really big on putting up a whole lot of signs. Twenty years ago, Jim Capodiece put up a sign with all the rules in the park and someone cut it down and put it up in a dorm room three days after it went up. So we stopped doing that.

Mr. Alair: Next to the Stoner Drive sign.

Mr. Van Winkle: So it's not gonna be a significant amount of money. It's not gonna be a significant number of signs but having the town planner agree to a sign plan would be fine.

President Slifka: Okay. So where does that leave us, Mr. Alair?

Mr. Alair: Right. We're at no ads visible from the street, 25% - I would say 25% limitation on retail floor space for display of beer. We don't - I don't think the intention was to regulate how much of the storage space they may have in the back. The intention is the retail floor space. And signage for the park to be approved by the town planner. And you might - in consultation with the director of...

President Slifka: The other - I'm trying to get the summary of the four - or three things.

Mr. Alair: It was four and then I think we dropped the craft beer and we ended up with three.

President Slifka: Okay.

Mr. Alair: So it was no advertising visible from the street. Then we had craft beer - was number two - but we dropped that. Then we picked up 25% limitation on floor space and signage for the park.

President Slifka: Okay. So I think procedurally what we need to do at the moment is move the conditions of approval as amended - the standard conditions of approval as amended by your statement.

Mr. Alair: That was the other one. Standard conditions.

President Slifka: The additional three items.

Councilor Kindall: So moved.

Councilor Captain: Second.

President Slifka: So now we're just in discussion on the conditions of approval. Anything else at this point? Go ahead.

Councilor Barnes: Is the 25% the right number? I mean I think it was just kind of thrown out there. I believe Mr. Gupta mentioned that - I don't want to misquote him but I think he said maybe if it's 6 to 10% of his entire store, that would be a lot. So if you've been in his store and you look at it and cut it up into a quarter of the store, that's a pretty big area. Simply throwing it out there whether everybody thinks 25% is the right number.

President Slifka: It's a fair question, Mr. Barnes. I was - that's one of the other reasons it kind of prompted me to go down my craft beer street, so to speak, because I don't know if the 25% works or not. I know it was suggested by the applicant. The applicant was amenable to that. That's kind of a natural way to gravitate but I don't know that anybody is an expert on the subject. Mrs. Casperson?

Councilor Casperson: When we're looking at the fairness issue that Mr. Barnes raised, I think that that's reason why we were looking more towards stipulating craft beer, in deference to the other package store that's in the neighborhood. If they're not focusing on the craft beer, I think that that's – when you're going to the fairness issue, that's something that I think many people on this side are sort of looking maybe to have that stated – whatever the definition of that would be. But having that stipulated, I think, isn't keeping the direction and many of the concerns that we've raised this evening.

Councilor Barnes: The package store down the street sells craft beer, as well. So it's not like he sells one kind and this will be another kind. He actually sells both kinds.

Councilor Casperson: I don't drink beer. I did live in Germany but I don't drink beer.

President Slifka: You might start tonight. Mrs. Hall?

Councilor Hall: I think I was thinking about the 25% just because when we got back to that primarily, you could look at that as no more than 49% and so that would be roughly half of what they could be allowed to do in a regular grocery/beer permit. So I thought that made it sufficiently unattractive for some future person who said oh, I'm going to open up a beer store. But that's how I was okay with it.

President Slifka: I guess, now that I give it more thought, along the lines of what Mrs. Hall said, I guess I'd be comfortable with the 25% in that if that's what Mr. Gupta has stated he's comfortable with and he's stating that the beer is only supposed to be a small part of his business, that my concern is not him. It's the next person and that means that the next person can't expand upon that. So they would have to be in some way at least in alignment with the business model that he had put out there. So whether it's perfect or not, Chris, I have no idea but I guess it's a good starting point now that I give it more thought. Anyone else? We're on the conditions. Mr. Davidoff?

Councilor Davidoff: I don't think the conditions are objectionable, what's been mentioned. What I find interesting is that the conditions – we're offering conditions because we're feeling uncomfortable with the fact that maybe we don't like the intent of the ordinance which is that it's prohibiting alcohol within a certain – not just alcohol – in particular, beer, in this particular case – within 200 feet of a park or a church or a school. And we're gonna go to great lengths just to find a way to say that's okay. And so I'm a little confused by that. I don't know whether or not that's still our current belief that we shouldn't have that restriction. Nowhere else where we're able to sell beer, you see lots of signs in the window. And I don't know if that makes you motivated to make a purchase because you see a sign. Yes, it's not aesthetically pleasing when we drive by and we see these big posters that this particular brand is on sale this week. But I don't know if that drives consumer behavior. And in this particular case, what I think would drive consumer behavior is people have a positive shopping experience and a relationship with this entrepreneur and that's why they would want to frequent them and make them successful.

So I don't have an objection with what we're doing but I just question why it would even be really – in a perfect world – why it would be necessary because we really don't do it with respect to other uses for the sale of beer elsewhere in town. And I don't know. I just keep listening more and more and getting more confused here. But I think when you think about the ShopRite market, which can't be any closer to the park. It just has a physical barrier that makes it a little different than the buildings situated a little differently. So I – really this one's not an easy one for me. I'm just getting more and more confused. Maybe we're making too much – try to step back. Maybe we're making too much of this in the end. That okay, so if we go have a hearing in a month to amend the ordinance or to abolish the ordinance or something, what did we really accomplish? Cause I think we basically flushed it all out here this evening. So I appreciate what Mr. Barnes and Mr. Doar said and Mr. Kavalier. And for me, I'm not so certain that I'm a no right now because I think we might be making too much about something that really is not something that we need to make so much about. I guess that's where I'm at right now. We're doing all these things, okay, and it seems to be always the case when we have a thing that relates around alcohol here. We seem to like think of all these different things that can happen. But the bad outcomes with alcohol is we don't want people to – we don't want to encourage the community to – the people out there driving under the influence and we don't want to have alcoholic beverages served in our parks because our children are there and we want to keep in family friendly and the quality of life issues. And those are all important. But if we proposing these conditions tonight, will that really change what we're going to do by saying that he can't – so a sign in the window is going to make the park less family friendly? I don't know. I don't really think so. Or a sign there that says you can't drink alcohol beverages in the park – I think that's pretty well understood here in West Hartford that there's no public consumption or open containers. We sort of enforce that in our center district. So we're not talking about a substance that people don't enjoy drinking. People do enjoy drinking beer in our community and it's evident by the fact that we have so many places where one can procure beer and spirits and alcohol. So really, I look at the bigger picture and I'm saying to myself what are we really deciding here? Stick by the rules and that's where I was maybe a half hour ago or – what's going to be the harm? I guess that's the question. What's the harm if we do approve this? Is there really gonna be any harm? I ask those – to just really think about that. What would be the harm if we let – if we approve that?

Councilor Doar: ...Mr. Davidoff because I'm still...

President Slifka: Mr. Doar?

Councilor Doar: ...on the – and again, I sympathize with everybody in how conflicted we all are. But I always watch your analysis when you talk about the balance of interests of the applicant and the other members of the community. We clearly had testimony here from people in the community – I guess the number is up over 170 – that somehow think our current ordinance, which is designed to protect, in some way, what takes place in a public park. And someone way before us determined that it was decent public policy in this town to try to create an apron around parks. You mentioned the Stop and Shop but clearly, for me, the distinction

there was that this is in direct view. I went – I did go and was very persuaded by Tracy’s email because it is – and by the testimony of one of the people that were here – that it’s right smack in the front of the entrance to the park. And to me, that weighs on my mind. And so when you say what is the harm, the harm to those who don’t want the park to become a place which could potentially increase the probability that there’ll be more drinking in the park because of the close proximity of this store to the entrance to the park. And those community people, they’re parents or elderly or whatever. It doesn’t matter what segment of society they’re from. Someone before us thought that was a good idea. It may be not a good idea but then I’m back to the procedure. I’m back to saying let’s introduce an ordinance in two weeks that says let’s discuss that and decide whether or not we still want that. And that’s why I also am in favor of what Mr. Barnes talked about in terms of the process because I think process – and I know it matters to all of you, too – but it is important here. So...

President Slifka: Okay, we’re still in discussion on the conditions of approval. Anything else? Oh, sorry.

Councilor Hall: I think – I’m back to one of my earlier comments around we can kind of use this as a petri dish. We definitely have concerns around something right across from the park. We’ve got an opportunity with this applicant to say we’re not real comfortable with this. We do agree that maybe there’s something that needs to be changed about our ordinance with these conditions in place. Maybe it means we end up with a new zoning code for something right next to schools and parks or whatever that somehow limits this. But we have the opportunity to see how it works in practice.

President Slifka: I completely agree with you. Anyone else? This is just on the conditions. Alright, roll call, please on the conditions. Sorry, go ahead.

Councilor Barnes: How can we vote on the conditions if we don’t – don’t we have to first have a vote on the proposed application?

President Slifka: Conditions first and then the application as amended.

Councilor Barnes: I gotcha.

SDD #138
161 Oakwood Avenue
Conditions of Approval

1. Approval of Application

The Town Council hereby finds that the proposed plan, as approved, will be:

- (a) In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter.
- (b) Superior to a plan possible under the regular standards of the Town's zoning ordinances.
- (c) In harmony with the actual or permitted development of adjacent properties.

The application is hereby approved, subject, however, to the "Conditions of Approval" set forth below.

2. Conditions of Approval

A. Official Plans

Implicit in the approval of the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application as supplemented or modified by any amended plans and documents or representations submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

B. Premises Contact

The Applicant shall provide the Town Planner, from time to time, as necessary, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the Applicant. The identity of the party and the telephone number may be changed from time to time by notice to the Town Planner. If different individuals should be contacted regarding different aspects of operations within the area of the Special Development District, multiple contact people should be designated as necessary. This information shall also be provided to any adjoining property owner requesting same.

C. Solid Waste-Operational Condition

Solid waste collection shall be the responsibility of the property owner/manager.

Solid waste collection within the Special Development District shall be permitted between 8:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Waste collection shall not be permitted on Sundays.

D. Special Site Use or Operational Requirements

1. Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Manager or his designee, a yearly maintenance plan for the Special Development District. Said plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to plantings, landscaping and screening, sidewalks, lighting, signage, storage, refuse and litter control, building exteriors and other site amenities proposed in the plans. The maintenance plan shall also contain provisions dealing with snow removal from those pedestrian walkways for which the Applicant is responsible. Specifically, the snow removal plan shall call for the removal from required walkways of all snow or ice deposits so as to render those walkways safe for pedestrian passage at all times. Accumulated snow which is stored on-site shall not encroach into or damage required landscaped areas, parking spaces or vehicular travelways.

2. Landscaping and Fencing

Applicant will maintain all landscaped areas including mowing, weeding and brush removal and be responsible for replacement of plantings where necessary.

3. Site Lighting

All outdoor lighting shall be down-shielded so as to prevent glare onto adjoining properties. All lighting should be turned off no later than 10:00 p.m. except for security lighting which is triggered temporarily by motion or sound.

4. Signage

- a. No signage advertising beer is to be visible from the public street, including signage which is located within the store, but visible through windows or doors.
- b. The Applicant shall provide, at its expense, signage for Kennedy Park which advises park patrons that the consumption of alcohol on park premises is prohibited. The size, location and content of this signage shall be approved by the Town Planner in consultation with the Town Manager.

5. Limitation on Beer Sales

Consistent with the Applicant's representations that the sale of craft beer is intended to be adjunct to the sale of other foods and beverages, no more than 25% of the retail floor space within the store may be devoted to the display of beer.

E. Utilities to be underground

Any new electrical, telephone, cable television and other utility services shall be placed underground.

F. Computer Media Information

All mapping and construction plans shall be prepared in electronic format using the Connecticut Geodetic System for inclusion into the Town's Geographical Information System.

G. Final Plan Review

Implicit in the SDD approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed SDD plans and exhibits shall serve to identify the major standards for the quality of design and improvements. The Town Planner in cooperation with Town staff, including but not limited to the Fire Department and the Community Services Department, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the Special Development District Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town Departments have reviewed and approved the plans as submitted to the Town.

H. Final Plans

Final plan submissions and supporting documents shall address the Town Council conditions of approval.

Councilors Captain, Casperson, Davidoff, Hall, Kindall, Slifka and Alternate Kavalier voted YES

Councilor Barnes and Doar voted No.

Ms. Labrot: It passes.

President Slifka: The conditions pass. Okay, so now we are returning to discussion on the application as a whole, as amended with the conditions of approval. So we talked quite a bit. Does anybody else have anything else? No? Okay, then a roll call, please, Ms. Labrot.

Councilors Captain, Casperson, Hall, Kindall, Slifka and Alternate Kavalier voted YES
Councilors Barnes, Davidoff and Doar voted NO

Ms. Labrot: It passes.

President Slifka: Okay. That one will be memorable. Congratulations. Okay. Moving to #9, Mrs. Kindall.

ITEM #9: APPLICATION ON BEHALF OF SOF-IX BLUEBACK SQUARE HOLDINGS, L.P. (“BBS”), OWNER OF CERTAIN COMMERCIAL PROPERTY KNOWN AS “BLUE BACK SQUARE” AND INCLUDING 40 SOUTH MAIN STREET, 65 MEMORIAL ROAD, 85 MEMORIAL ROAD, 38 ISHAM ROAD AND 75 ISHAM ROAD (THE “PREMISES”) TO AMEND THE CONDITIONS OF APPROVAL FOR SDD #113 TO GRANT GENERAL PERMISSION FOR OUTDOOR DINING AS AN ACCESSORY USE THROUGHOUT THE PREMISES, BUT IN EACH INSTANCE SUBJECT TO AND CONDITIONED UPON SUBSEQUENT APPROVAL AND PERMITTING OF EACH SUCH PROPOSED ACCESSORY USE UNDER ONE OF THE FOLLOWING SECTIONS OF THE WEST HARTFORD CODE OF ORDINANCES (THE “CODE”): § 177-37.2, § 155-26, AND § 177-6(C).

APPROVED, VOTE 9-0

Councilor Kindall: #9. Yes. I move that we adopt.

Councilor Captain: Second.

President Slifka: Okay. Motion’s made and seconded. We did have the hearing earlier this evening. Is there any discussion on that? Mrs. Kindall?

Councilor Kindall: I think outdoor dining is outstandingly wonderful and I am completely in support of this resolution.

President Slifka: Thank you. Anyone else? Okay. Roll call, please, Ms. Labrot.

Councilors Barnes, Captain, Casperson, Davidoff, Doar, Hall, Kindall, Slifka and Alternate Kavalier voted YES.

Ms. Labrot: It’s approved.

President Slifka: Thank you. #10.

ITEM #10: ORDINANCE PERMITTING RESIDENTIAL DWELLINGS WITHIN THE IG AND IR DISTRICTS

ADOPTED, VOTE 9-0

Councilor Kindall: Okay. I move that we adopt.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Any discussion? Okay. I'm sorry, go ahead, Mr. Davidoff.

Councilor Davidoff: I'll be supporting this because I think that when you look at the plan of development and conservation, I think this ordinance will encourage mixed-use development in underutilized property along that corridor. And I think this is the first step in economic development of those regions. Thank you.

President Slifka: Thank you, Mr. Davidoff? Anybody else? Mr. Doar?

Councilor Doar: I am supporting this ordinance because it reminds me of Brooklyn and I'm from Brooklyn.

President Slifka: Speechless. Well said. Okay, anyone else? Mrs. Casperson?

Councilor Casperson: I just think that there's a great opportunity for development and having other areas of different socioeconomic groups of housing, affordable housing in those areas. And I'm looking forward to more development.

President Slifka: Thank you. Mr. Kavalier?

Mr. Kavalier: Since others are speaking on this, I thought I might. I'll be very, very brief. I just think that this is a reflection that the bright lines of zoning put in place years ago change over time. And this is an example of mixed-use coming back and those bright lines are not what they have been for many years. And I think that this is absolutely the right move for West Hartford.

President Slifka: Thank you. Anyone else? Go ahead, Mrs. Hall.

Councilor Hall: I think it's also a reflection of the changing nature of what we do in West Hartford. And our industrial zones are not necessarily as industrial as they used to be. So I think this is – one of our first meetings, or one of my first meetings on the council was sitting down with a map and where things are happening in town and where things aren't happening in town. And we were talking about the way we can influence development is first through our zoning and this was one of the first things on my tenure here. We started talking about that and how can we help encourage business and growth and people to promote those businesses. So I am definitely going to support this.

President Slifka: Thank you, Mrs. Hall. Anyone else? Mr. Captain?

Councilor Captain: And just to add – many of us were not, shall we say, thrilled cheerleaders for the bus way but we all said – yeah, were there any of us? But we all said that we would try to make the best of the situation and we could not control what was going on there but it is going

through our town and it's stopping in two places and we all said we would make the best of it and this is one of those first efforts to do that.

President Slifka: Thank you. Anyone else? Okay, roll call, please, Ms. Labrot.

Councilors Barnes, Captain, Casperson, Davidoff, Doar, Hall, Kindall, Slifka and Alternate Kavalier voted YES

Ms. Labrot: It's unanimous.

President Slifka: Okay, #11.

ITEM #11: ORDINANCE PERMITTING EXEMPTIONS FROM MAXIMUM BUILDING HEIGHT REQUIREMENTS

ADOPTED, VOTE 9-0

Councilor Kindall: I move that we adopt.

Councilor Captain: Second.

President Slifka: Motion's made and seconded. Any discussion? Okay, none. All those in – I'm sorry. Roll call, please.

Councilors Barnes, Captain, Casperson, Davidoff, Doar, Hall, Kindall, Slifka and Alternate Kavalier voted YES

Ms. Labrot: It's unanimous.

President Slifka: Okay, and #12.

ITEM #12: ORDINANCE AMENDING ZONING APPLICATION PROCEDURES

ADOPTED, VOTE 9-0

Councilor Kindall: I move that we adopt.

Councilor Captain: Second.

President Slifka: Okay. Any discussion on this item? Mr. Davidoff?

Councilor Davidoff: This is a long awaited evening for me, especially with respect to this ordinance. So I'm very excited to see in section 177-42 (A) 53, the TPZ will have to make

decisions based on trash and recycling facilities with respect to zoning applications. And we will have applicants coming in with a full recycling/trash plan in future applications once this becomes effective. So no longer will I have to inquire about those. It will just automatically be in the packet. So it's a great evening and I'm quite happy. Thank you.

Councilor Barnes: We just shortened our meetings by an hour.

President Slifka: We might have. Thank you. I admire your enthusiasm, even at 12:30. Is there any other discussion? Okay, a roll call please, Ms. Labrot?

Ms. Labrot: Mr. Barnes?

Councilor Barnes: Yes on the Davidoff Amendment.

Councilors Barnes, Captain, Casperson, Davidoff, Doar, Hall, Kindall, Slifka and Alternate Kavalier voted YES

Ms. Labrot: Another unanimous.

President Slifka: Okay, up to new business, #13.

NEW BUSINESS:

ITEM #13: ORDINANCE AMENDING THE FEE STRUCTURE FOR PLANNING, ZONING, SUBDIVISION AND INLAND WETLANDS APPLICATIONS AS ESTABLISHED IN THE WEST HARTFORD CODE OF ORDINANCES

SET FOR PUBLIC HEARING ON JUNE 24, 2014 AT 7:25 P.M. AND REFERRED TO TPZ AND CRCOG.

WHEREAS, the last change made in the Planning, Zoning, Subdivision and Inland Wetland Application fee structure of the Town was adopted on June 27, 2000; and

WHEREAS, costs to publish required notices and provide transcription services have significantly increased during the last fourteen years; and

WHEREAS, administrative processing costs in the form of material, equipment and wages have also experienced substantial increases; and

WHEREAS, it has long been the policy of the Town Council to maintain a fee structure which provides for the recovery of the costs associated with the processing of planning, zoning, subdivision and Inland Wetlands and Watercourses applications.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD that §177-50 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

Fees for the various permits and applications required by this chapter and Chapter A184, Subdivision Regulations, are hereby established as follows:

- A. Special use permit, preliminary approval only: \$200.
- B. Special use permit: \$200, plus \$50 per 1,000 square feet or fraction thereof of new building or changed use.
- C. Site plan approval: \$150, plus \$50 per 1,000 square feet or fraction thereof of new building or changed use.
- D. Variance or special exception: \$200.
- E. Renewal of special exception: \$200.
- F. Zoning Board of Appeals permit for a motor vehicle dealer or repairer license and gasoline stations, as established by C.G.S. §§ 14-54 and 14-321, respectively, as amended:
 - (1) First permit: \$200.
 - (2) Permit renewal: \$200.
- G. Subdivision application: \$600 or \$100 per new lot created by the resubdivision, whichever is more.
- H. Resubdivision application: \$600 or \$100 per new lot created by the resubdivision, whichever is more.
- I. Zoning permit: [~~\$40~~]\$75.
- J. Zoning Compliance Certificate or Letter: \$30.
- [J.]K. Permit for a monument or statue: \$60.
- [K.]L. Amendment to this chapter or Zoning Map:
 - (1) Without special development district plan: \$550.

(2) With special development district plan: \$550, plus \$100 per 1,000 square feet or fraction thereof of new building area or changed use.

(3) Administrative amendment to special development district plan: \$500.

[L.]M. The Town Plan and Zoning Commission, the Zoning Board of Appeals or the Town Council may waive any of the aforesaid fees established in this section; however, any waiver shall be accompanied by a statement of reason. In the case of an application upon which a Town official is authorized to act without the approval of an administrative agency, no waiver of any fee established herein shall be permitted.

[M.]N. Lot split or lot line revision approval: \$300.

[N.]O. Fees for building permits and certificates of occupancy for uses authorized by building and/or zoning permits shall be charged in accord with Chapter 58, Building Construction, of the Code of the Town of West Hartford.

[O.]P. Inland wetlands and watercourses application fees:

(1) Permitted uses as of right: no charge.

(2) Nonregulated uses: \$90.

(3) Regulated residential uses: \$120, plus \$50 per lot or \$90 per acre of wetlands (or fraction thereof) on site, whichever is more.

(4) Regulated commercial uses: \$120, plus the following fee per 1,000 square feet of regulated area (or fraction thereof) on site:

(a) Sites containing less than 3,000 square feet of regulated area: \$36.

(b) Sites containing 3,000 to 50,000 square feet of regulated area: \$28.

(c) Sites containing more than 50,000 square feet of regulated area: \$24 but not less than \$1,400.

(5) Significant activity fee: \$350.

(6) Map amendment petitions: \$350, plus the following fee per 100 linear feet of wetland boundary (or fraction thereof) designated on the plan as new boundary:

(a) Less than 500 linear feet: \$40.

- (b) Five hundred to 1,000 linear feet: \$36.
- (c) More than 1,000 linear feet: \$30 but not less than \$400.

[P.]Q. Public hearing fees: In addition to the application fees otherwise established herein, the following fees shall also be required:

- (1) All applications requiring a public hearing: \$150.
- (2) Each public hearing postponement request made by an applicant after legal notice published: \$150.

R. Financing of cost of special study. Certain applications for extraordinarily large or significant projects pose environmental, traffic and/or other problems beyond the expertise of the Commission's staff to evaluate and make appropriate recommendations. In such instances, which occur only infrequently, if the Town Plan and Zoning Commission, the Zoning Board of Appeals or the Town Council, after reviewing the matter with its staff, reasonably concludes that an outside, independent study and/or consultation is necessary for the Commission, Board and Council to decide the issues before it, the Commission, Board and Council may require an applicant, as a condition of processing its application, to pay for the cost of such a study or consultation, such amount not to exceed \$7,500.

Councilor Kindall: I move that we set for public hearing on June 24, 2014 at 7:25 p.m. in the legislative chamber and refer to TPZ and CRCOG.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Any discussion? See none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We're up to 16.

ITEM #16: RESOLUTION ESTABLISHING THE EXPECTATION FOR NEIGHBORHOOD OUTREACH FOR DEVELOPMENT PROPOSALS

ADOPTED.

WHEREAS, the Town Council of West Hartford adopted a resolution outlining its expectations for applicants for Special Development Districts (SDD) to conduct and report on neighborhood outreach efforts on October 23, 2002; and

WHEREAS, the benefits of neighborhood outreach have been demonstrated time and time again since that resolution was adopted; and

WHEREAS, neighborhood engagement may take many forms, including direct mail, neighborhood meetings, interactive websites and other methods; and

WHEREAS, many development proposals, including but not limited to SDD applications, impact neighborhoods and stand to benefit from a detailed review of the proposal, the solicitation of feedback and the inclusion of recommendations made by residents; and

WHEREAS, it is important for neighborhood outreach to be initiated before a formal application is submitted if resident and stakeholder input is to be incorporated thoughtfully into the development proposal

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Administration is urged to advise all SDD applicants, as well as applicants involved in other types of projects which may have a significant community impact, of the expectation that they should conduct neighborhood outreach as a means of notifying interested parties and incorporating recommendations into development proposals where practical and feasible; and that they should document neighborhood outreach methods and contacts, identify neighborhood reaction and feedback and report their findings accordingly.

Councilor Kindall: I move that we adopt.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Mr. Van Winkle, could you provide some commentary on this, please?

Mr. Van Winkle: Yes. Several years ago, we adopted a resolution seeking that persons – developers seeking changes to property in West Hartford meet with the neighborhood and supply this committee with – this council with the minutes of that meeting. This is reestablishing that. It's making it a little clearer what we're looking for. It states that they'll meet with the neighborhood prior to submitting their proposals cause we're seeking for the neighborhood to comment and improve those proposals to the town. So some minor changes like that but it just makes it a little stronger for us on applications so we can have them – make sure we get that neighborhood input and get it early in the process, not just before the hearings.

President Slifka: Thank you, Mr. Van Winkle. Mr. Barnes?

Councilor Barnes: In the now therefore clause, it states that is urged to advise all SDD applicants as well as applicants involved in other types of projects which may have a significant community impact. It seems vague to me and I don't know how many other types of projects

fall under that category but I think it may be helpful to future applicants if we simply identify what types of projects we're contemplating and simply list them. So going forward, people will know whether they need to do this community outreach or not.

Mr. Van Winkle: Mr. Mayor, as general rule, the developer meets with the town planner when he's looking at a project. So he'll hear that in that process. If a developer were seeking a straight zone change to a property, that would be something that we would perhaps want them to reach out to that neighborhood. This is not an ordinance requirement. This is a resolution suggesting that they do this. We always tell them if you don't do this, the council's gonna ask if you did it and now you're gonna be on the wrong side of the decision. So it's doing what you did with DRAC. We expanded the role of DRAC. DRAC originally was only SDDs and then we said the town planner can refer other types of improvements to DRAC for their opinion. This is a similar kind of thing where again, his judgment, he thinks that this something that the neighborhood would want to see. In the case of a special use permit – new church being built in town – that goes only to the TPZ and it wouldn't have fallen under this at all. So we would refer that.

Councilor Barnes: Thank you for the clarification.

President Slifka: Anyone else? Okay, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. #17, Mrs. Kindall.

ITEM #17: RESOLUTION AUTHORIZING SUBMISSION OF THE NEIGHBORHOOD ASSISTANT GRANT APPLICATION (SEE ATTACHMENT A FOR NAA PROPOSALS RECEIVED).

SET FOR PUBLIC HEARING ON MAY 29, 2014, AT 7:15 P.M.

WHEREAS, the State of Connecticut, Department of Revenue Services, provides tax credits to businesses making donations to programs sponsored by non-profit agencies through the Neighborhood Assistance Act; and

WHEREAS, the Town Council wishes to nominate certain programs for eligibility and consideration but, in order for a community program to qualify for the Neighborhood Assistance Act, it must first be approved by the Town Council; and

WHEREAS, the Act requires the Town Council to submit a list of approved programs eligible for business investments to the State of Connecticut, Department of Revenue Services by July 1, 2014; and

WHEREAS, before the Town submits such a list, it is first required to conduct a public hearing for the purpose of hearing eligible proposals for the Neighborhood Assistance Act;

NOW, THEREFORE, BE IT RESOLVED BY THE WEST HARTFORD TOWN COUNCIL that the Town Manager is hereby authorized to submit the Neighborhood Assistance Act Grant Application; and

BE IT THEREFORE RESOLVED that the Town Manager is directed to publicize the availability of this program and solicit proposals from community groups prior to this hearing.

Councilor Kindall: I move that we set it for public hearing on May 29, 2014 at 7:15 p.m. in the legislative chamber.

Councilor Captain: Second.

President Slifka: Motion is made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. I'm gonna skip the announcements. Does anybody else have anything?

Councilor Kindall: I have just one.

President Slifka: Oh, boy. Alright.

Councilor Kindall: Tomorrow night is Celebrity Scoop Night to benefit the American Cancer Society.

President Slifka: You mean tonight.

Councilor Kindall: Tonight. You're right. I stand corrected. Tonight at 2 p.m. to 7 p.m. at Rita's of West Hartford there will be Celebrity Scoop Night at Rita's Ice Custard Happiness. And Essie Labrot and yours truly will be there scooping as well as a whole bunch of other very important people. So please come.

President Slifka: Okay. Mrs. Casperson.

Councilor Casperson: I know. It is next week, that's why. Playhouse on Park is celebrating the founding five, May 20th from 5:30 to 7:30. They're celebrating five years of being a successful art theater in West Hartford. So Chuck Coursey, Kathryn Denton, Joan Dornenburg, Colin Bach Advertising, Ron Roy, and David Wurtzer will be honored. Tickets are online.

President Slifka: Thank you. Okay. You might as well. Go ahead. I could bring back the giant list I had, too.

Councilor Hall: I just wanted to remind everyone that we will be placing American flags on all military graves at Fairview Cemetery on Saturday, May 24th. All you have to do is show up at 8:30 a.m. and we will instruct you on what to do and where to go. After that, they'll be a brief program at St. Peter Claver Parish Hall with James Peter Matthews, Sergeant Major of the 76th Operational Response Command as our main speaker, along with remarks from Mayor Slifka and myself. So I hope that you can join us and we'll have pizza and ice cream as usual afterwards. Thanks.

President Slifka: Thank you. Okay, #19. Report from corporation counsel. Mr. O'Brien.

ITEM #19: REPORT FROM CORPORATION COUNSEL

Mr. O'Brien: We're not having an executive session at this late hour. And I'll be happy to answer any questions you might have.

President Slifka: Alright. There better not be any but any questions for Mr. O'Brien? Okay. Thank you, Joe. Appointments, Mrs. Hall.

ITEM #20: APPOINTMENTS

Councilor Hall: Yes, I'd like to make a motion to appoint – to reappoint Elizabeth Espie Gillette to the town plan and zoning commission for a term ending December 31, 2018.

Councilor Doar: Second.

President Slifka: Motion's been made and seconded. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We are up to the consent calendar.

ITEM #39: CONSENT CALENDAR

ADOPTED

ITEM #14: RESOLUTION TO APPROPRIATE A \$2,500 GRANT FROM THE CAPITAL AREA SUBSTANCE ABUSE COUNCIL IN THE FISCAL YEAR 2013-2014 BUDGET OF THE GENERAL FUND FOR THE PURPOSE OF SUICIDE PREVENTION.

WHEREAS, the Town of West Hartford applied for and was awarded a grant in the amount of \$2,500 for suicide prevention from the Capital Area Substance Abuse Council (CASAC) with support from the Connecticut Department of Mental Health and Addiction Services and federal Substance Abuse and Mental Health Services Administration Garrett Lee Smith (GLS) Suicide Prevention Initiative, and

WHEREAS, the goal of the GLS Suicide Prevention Initiative is to build the capacity and infrastructure of communities and institutions of higher education to prevent suicide, suicidal behaviors and promote mental health, prioritizing but not limited to youth and young adults 10-24 years old, and

WHEREAS, the Town of West Hartford desires to utilize said funds to promote the CT Suicide Prevention Campaign: “1 Word, 1 Voice, 1 Life: Be the 1 to start the conversation” and to work collaboratively with CASAC to apply suicide prevention strategies in accordance with the terms of the grant,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD THAT the \$2,500 CASAC grant is hereby appropriated for the purpose of suicide prevention and the fiscal year 2013-2014 General Fund budget is amended as follows:

Increase Estimated Revenue

01-401600-40161-9071	Grant Revenue	\$2,500
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Increase Appropriations

01-401600-40161-2211	Administrative Expenses	\$2,500
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ITEM #15: RESOLUTION APPROPRIATING DONATIONS OF \$2,070 IN THE FISCAL YEAR 2013-2014 GENERAL FUND BUDGET FOR THE PURCHASE OF CHILD IDENTIFICATION EQUIPMENT FOR THE WEST HARTFORD POLICE DEPARTMENT.

WHEREAS, the West Hartford Police Department offers child identification cards to parents with fingerprints and pictures of their children using the KIDPRINT Child Identification Program and receives donations for this service, and

WHEREAS, the Town has collected \$2,070 in donations which were deposited into a subsidiary fund of the Town of West Hartford and are available for appropriation, and

WHEREAS, there is a need to replace equipment related to the KIDPRINT Child Identification Program and the Town wishes to use these donations to purchase said equipment,

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD authorizes the purchase of replacement equipment for the KIDPRINT program and hereby amends the fiscal year 2013-2014 budget of the General Fund as follows:

Estimated Revenues

01-220105-20409-9340 Donations \$2,070

Appropriations

01-220105-20409-2295 Equipment \$2,070

ITEM #22: FROM TOWN PLAN AND ZONING RE 161 OAKWOOD AVENUE – MOTION RECOMMENDING APPROVAL FAILED

ITEM #23: FROM TOWN PLAN AND ZONING RE 40 SOUTH MAIN STREET, 65 MEMORIAL ROAD, 85 MEMORIAL ROAD, 38 ISHAM ROAD AND 75 ISHAM ROAD (BLUE BACK SQUARE) – RECOMMENDING APPROVAL

ITEM #24: FROM TOWN PLAN AND ZONING RE ORDINANCE PERMITTING RESIDENTIAL DWELLINGS WITHIN THE IG AND IR DISTRICTS – RECOMMENDING APPROVAL

ITEM #25: FROM TOWN PLAN AND ZONING RE ORDINANCE PERMITTING CERTAIN EXEMPTIONS FROM MAXIMUM BUILDING HEIGHT REQUIREMENTS- RECOMMENDING APPROVAL

ITEM #26: FROM TOWN PLAN AND ZONING RE ORDINANCE AMENDING ZONING APPLICATION PROCEDURES – RECOMMENDING APPROVAL

ITEM #27: FROM TOWN PLAN AND ZONING RE RESOLUTION-ABANDONMENT OF PARKER STREET – RECOMMENDING APPROVAL

ITEM #28: FROM DESIGN REVIEW AND ADVISORY COMMITTEE RE 161 OAKWOOD AVENUE – DECLINING TO MAKE A FORMAL RECOMMENDATION

ITEM #29: FROM DESIGN REVIEW AND ADVISORY COMMITTEE RE 40 SOUTH MAIN STREET, 65 MEMORIAL ROAD, 85 MEMORIAL ROAD, 38 ISHAM ROAD AND 75 ISHAM ROAD (BLUE BACK SQUARE) – DECLINING TO MAKE A FORMAL RECOMMENDATION

ITEM #30: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS RE ORDINANCE PERMITTING RESIDENTIAL DWELLINGS WITHIN THE IG AND IR

DISTRICTS- FINDING NO APPARENT CONFLICT WITH REGIONAL PLANS AND POLICIES OR THE CONCERNS OF NEIGHBORING TOWNS

ITEM #31: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS RE ORDINANCE PERMITTING CERTAIN EXEMPTIONS FROM MAXIMUM BUILDING HEIGHT REQUIREMENTS- FINDING NO APPARENT CONFLICT WITH REGIONAL PLANS AND POLICIES OR THE CONCERNS OF NEIGHBORING TOWNS

ITEM #32: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS RE ORDINANCE AMENDING ZONING APPLICATION PROCEDURES- FINDING NO APPARENT CONFLICT WITH REGIONAL PLANS AND POLICIES OR THE CONCERNS OF NEIGHBORING TOWNS

ITEM #33: FROM TOWN PLAN AND ZONING RECENT PLANNING ACTIONS: 100 MAYFLOWER, 993 NORTH MAIN, 138 PARK, 90 STONER, 668-678 FARMINGTON, 60 LASALLE, 526 NEW PARK, 188 WESTMONT

ITEM #34: FROM INLAND WETLAND AND WATERCOURSES RECENT PLANNING ACTIONS: 3 OAK RIDGE, 2 FERNCLIFF, 15 GREENRIDGE, 97 WATERSIDE, 188 WESTMONT, 47 BROOKSIDE

ITEM #35: MINUTES FROM COMMITTEE TO REVIEW OPERATIONS OF THE REGISTRAR OF VOTERS 4/9/14

ITEM #36: MINUTES FROM FINANCE AND BUDGET COMMITTEE 4/4/14 AND 4/14/14

ITEM #37: MINUTES FROM PUBLIC SAFETY COMMITTEE 3/21/14 (AMENDED), 4/4/14 AND 5/1/14

ITEM #38: MINUTES FROM WEST HARTFORD CENTER SPECIAL SERVICES DISTRICT 4/10/14

Councilor Kindall: I move that we adopt the consent calendar.

Councilor Captain: Second.

President Slifka: All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We actually have a communication, #40.

COMMUNICATIONS:

ITEM #40: FROM TODD DUMAIS, TOWN PLANNER, (05-05-14) NOTICE OF TOWN PLANNER'S INTENTION TO APPROVE MINOR REVISIONS TO SPECIAL DEVELOPMENT DISTRICT #131 FOR THE PROPERTY KNOWN AS THE GOODWIN LOCATED AT 189 NEWINGTON ROAD FOR MINOR CHANGES TO THE SITE ACCESS DRIVEWAYS IN ORDER TO CONFORM TO THE CONDITIONS OF APPROVAL OF THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION. THE PROPOSAL MODIFIES THE NORTHERLY DRIVEWAY INTO A ONE-WAY, IN ONLY DRIVE AND OPENS THE SOUTHERLY DRIVEWAY TO A FULL ACCESS DRIVEWAY. TO ACCOMMODATE THESE DRIVEWAY MODIFICATIONS CORRESPONDING ADJUSTMENTS TO THE ARRANGEMENT OF PARKING SPACES AND LANDSCAPING ELEMENTS ARE REQUIRED.

SEE ATTACHMENT B.

Councilor Kindall: I move that we receive.

Councilor Captain: Second.

President Slifka: All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. There are no petitions so I'd like to entertain a motion to adjourn.

ITEM #42: ADJOURNMENT

Councilor Kindall: So moved.

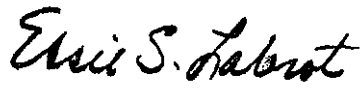
Councilor Captain: Uh huh.

President Slifka: Second? Okay. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We're adjourned.

Meeting adjourned at 12:35 P.M.



Essie S. Labrot
Town Clerk/Council Clerk

ESL/kc

APPROVED AT JUNE 10, 2014, TOWN COUNCIL MEETING